

GRAND JURY SYSTEM IS WRONG

Robinson Opens a New Term of Court.

Judge Robinson in a strong charge to the grand jury for the May Term of court, which opened yesterday, pointed out the many defects in the present grand jury system. He charged the jury, however, that it would have to investigate all felonies as prescribed by the Constitution, saying that these were crimes in which the punishment exceeded one year's imprisonment.

The charge was in part as follows:

Gentlemen of the Grand Jury:

All that has thus far been said or published concerning the grand jury system has been of praise, because of its alleged benefits and strenuously asserted advantages, and it would be of little avail for me at this time, alone and unsupported by precedent or precedent, to call attention to its many disadvantages and absurdities. The costly, cumbersome and dilatory nature of the entire grand jury system and its doubtful utility, as a means of protection to the citizens of a State from unjust accusations and unfounded criminal charges—in view of the protection afforded by the right of trial by jury and the writ of habeas corpus—as well as the partial character of its investigations in hearing only and arriving at a conclusion solely upon the testimony of those who are interested, or who are likely to be interested, in securing the indictment of persons charged with public offenses, seem to have been lost sight of in the halo of glory which surrounds the system like the luminous exhalation which hovers over the last resting place of some dear departed, as a necessary incident to a relic of antiquity, once quick, now dead, but not yet reduced to its native dust.

Judge Robinson further instructed the jury that it was its right to investigate Territorial Institutions, but that the practice which has obtained in this jurisdiction, to some extent, for each successive grand jury to investigate public institutions, under Territorial control, situated on this circuit, against the officers or employees of which there has been directed no charge or suspicion of mismanagement or malfeasance in office is as useless and absurd as it is expensive and cannot be too strongly condemned. The expense incident to each day's session of a grand jury is considerable and each day unnecessarily employed in inquiring into a trifling offense, alleged to have been committed or into the management of a public institution, against the officers or employees of which there has been directed no charge or suspicion of mismanagement or malfeasance in office, imposes a useless expense and an unnecessary financial burden upon the taxpayers of this Territory.

The court also advised the jury that there will be no necessity for investigating misdemeanors, as the law had been changed by the legislature. A. W. Pearson was appointed as foreman and Wm. Tell as bailiff to the grand jury, which began work immediately.

The much-lauded grand jury system became engrafted upon the Constitution of the United States by the fifth amendment (one of the ten original amendments engrafted at the same time) at a session of the first Congress of the United States in 1789, but it is doubtful if such an amendment were presented for the first time to the Fifty-eighth Congress it would obtain sufficient support to secure its ratification.

I venture to express the hope, however, that with the greater development of reason and logic, all provisions in support of this system will be eliminated from the national and State constitutions in the same manner and to the same extent as are now being eliminated in some of the States those other anachronisms, terms of court and Janus-faced courts of justice, with distinct and sharply defined law and equity sides to the same court.

The Fifth Amendment to the Constitution of the United States provides that "no person shall be held to a capital or otherwise infamous crime, unless on presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger," and it is in obedience to this mandate of our national Constitution that you have been summoned before this court to serve and act as grand jurors and to constitute a grand jury in this circuit at the present term of this court.

Hawaiian Stocks.

The Henry Waterhouse Trust Company received the following cable quotations yesterday on Hawaiian stocks:

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|---------------------|--------|
| Hawaiian Commercial | 46 1/2 |
| Honokaa | 12 1/2 |
| Makawell | 27 1/2 |

DIARRHOEA is more to be dreaded than diphtheria. It attacks all ages and is equally fatal to young and old. The great mortality resulting from diarrhoea is due to the lack of proper treatment at the first stages of the disease. Chamberlain's Colic, Cholera and Diarrhoea Remedy is a reliable and effective medicine, and if given in time will prevent serious consequences. This remedy never fails and is pleasant to take. Every household should have a bottle at hand. Get it today. It may save a life. Benson, Smith & Co., wholesale agents, sell it.

FIRE AT LAHAINALUNA

Rats Wreck Paia Pipe Organ Bellows.

MAUI, May 2.—On Monday night one of the two teachers' residences at Lahainaluna Seminary was totally destroyed by fire. Mr. and Mrs. E. H. Carleton, the occupants of the house, were awakened at midnight to find the ell of their dwelling in flames. The fifty boys belonging to the institution were hastily summoned and did all that was possible to extinguish the blaze by passing buckets of water from the ditch near by. But it was in vain. The flames had obtained too much headway. However the neighboring buildings, the two-story residence of the principal, W. E. Reavis, and the tool and carpenter shops, were saved through the efforts of the boys who ascended the roofs, wet the shingles extinguishing the sparks which for a time came thick and fast from the burning house.

The origin of the fire is thought to be from matches ignited by rats which infested the storeroom or pantry adjoining the kitchen of the Carleton house.

Very little furniture belonging to the Carletons was saved. They lost not only the greater part of their household belongings but also two buggies, four saddles, several sets of harnesses, etc.

The residence destroyed was years ago occupied in turn by Rev. Seneca Bishop and Harvey Rexford Hitchcock, former principals of the Seminary.

The loss to the Department of Public Instruction will be in the neighborhood of \$2,000.

During the latter part of the week an important water case has been heard before Commissioner J. F. Brown at the Maui Hotel of Wailuku, the temporary court room being the former headquarters of the Maui Republican District Committee.

The matter before Mr. Brown is the equitable division of the Iao Valley water between the Hawaiian Commercial and Sugar Co. and the Wailuku Sugar Co. The attorneys in attendance were Judge Hartwell, W. O. Smith, W. A. Kinney and A. N. Kopekai. The hearing will be continued next week.

On Sunday the petty thief that has recently been harassing the inhabitants of Kamaole, Kula, by his robberies was arrested and brought to Makiwao jail, seventeen miles away.

The young Japanese is a sturdy, under-sized Oriental. Deputy Sheriff Morton is inclined to believe the man is half-witted and if Dr. McConkey will so decide he will be committed to the Honolulu Insane Asylum. He seems to be a sort of a kleptomaniac. He told the doctor that he could not help stealing. He had a strong desire to take whatever his hands touched. He informed the police that he stole "plenty" so that they could obtain "plenty" of evidence against him.

At present he is kept in confinement upon one of the numerous charges of burglary against him.

Last evening a reception was given Bishop Restarick by the people of Wailuku at the Alexander House. The rooms were prettily adorned with palms and other potted plants and with flowers and greens. Mrs. W. A. McKay introduced those present to the Bishop. Mr. George Schrader played several selections on the piano and Rev. Wm. Ault sang two solos.

The Bishop spent the early part of the week in Lahaina. While in Wailuku he was the guest of Mr. C. B. Wells. Today he departed for a trip to the cool region of Makawao. He preaches tomorrow at Wailuku.

STRAY NOTES.

The fine pipe organ of the Paia Foreign Church has not been used for two Sundays. The rats have played havoc with the bellows.

A large crowd saw the baseball game between the Wailuku and Kahului at Wells' Park, Wailuku, on the afternoon of April 25.

In spite of Kruger's reputation as an expert ball-thrower, the Wailuku made eight runs to their opponents' four.

Tomorrow the Lahainas will play the Morning Stars in Wailuku.

On Friday afternoon the Ladies' Reading Club met at the residence of Mrs. W. S. Nicoll of Hamakua.

Miss Carney Culbert of Kahului has recently taken the position of assistant nurse in Puunene hospital.

W. E. Beckwith of Wailuku is to have charge of the Haku Ranch. He is much interested in the production of sisal and will probably experiment somewhat with it at Haku.

Mrs. D. D. Baldwin of Haku has been at Makawell, Kauai, for some months.

It is stated that Maui has but three lawyers eligible for the position of county attorney, Messrs. N. W. Aluli, J. L. Coke and D. H. Case, one democrat and two Republicans.

Mrs. W. O. Smith of Honolulu is visiting her daughter, Mrs. H. A. Baldwin of Hamakua.

Yesterday the steamship Nevada left Kahului for Honolulu with 4,000,000 pounds of Maui sugar aboard.

This morning the steamship Hawaiian arrived in Kahului and will bear away with her the large cargo of 72,000 bags of sugar.

Warm summer weather on Maui, though at Paia and vicinity three inches of rain fell during Monday night and Tuesday.

"Who originated the remark 'It is always the unexpected that happens?'" "I don't know," said the melancholy government attaché, "but I suspect he worked in the weather bureau."—Washington Star.

THIRTY DIE UNDER WHEELS OF FAST RAILROAD TRAIN

Flyer Dashes Into Crowd of One Thousand People in a Detroit Station.

(ASSOCIATED PRESS CABLEGRAMS.)

DETROIT, Mich., May 3.—Thirty people were killed and many seriously injured at a suburban Grand Trunk station today. There was a crowd of 1000 people in the station awaiting the arrival of an excursion train, when the Flyer, the fastest train on the line, dashed through the station without any warning to the people.

The train was not to stop and there was no signal given of its approach. When the whistle was heard the people crowded out to the tracks expecting that it was their train, and that it would stop on the furthest side of the many sets of rails. Instead, the express, going at the rate of thirty miles an hour, dashed through the crowd, scattering the people in all directions.

It was some time before there could be summoned ambulances to take care of the wounded, and the station was turned into a morgue and temporary hospital. Thirty bodies were found, some dismembered and all mutilated to a degree.

The injured include many who cannot recover, and the hospitals are filled with these unfortunate.

The station is about five miles from the central depot of the line and the people believed that their train would be out before the express, and no other information was given them. The express never stops at the station.

The trainmen and station agent have been placed under arrest.

MAY BE NEW COMPROMISE INCREASE THE OUTPUT

Estee Reversed in Pearl Harbor Case.

Assistant United States Attorney J. J. Dunne received a cablegram yesterday morning announcing decisions by the United Circuit Court of Appeals in the Honolulu Plantation Co. case and the Prime Beer case.

Judge Estee was reversed in the case of United States vs. Honolulu Plantation Co. and a new trial is ordered. Appeals in this case were taken both by the plaintiff and the defendant, but it is the appeal of the United States upon which Estee is reversed. A new trial is ordered and a special jury will probably be called to determine this case.

The following is the cablegram: SAN FRANCISCO, Cal., May 4.—To Assistant District Attorney Dunne, Honolulu: Honolulu plantation judgment reversed. Error admitting testimony capacity mill and pumping plant and specially value tract to plantation. Remanded new trial. Jury trial upheld. Ross, judge. Have notified Department. License case appeal dismissed. Lack of jurisdiction on constitutional questions. POND.

There have already been two trials of the Pearl Harbor case, which were responsible for the delay in the work at the naval station. In the first case the Honolulu Plantation Co. was awarded damages of \$105,000 by the jury, from which an appeal was noted by the United States. Then Judge Estee granted a new trial after the defendant had refused to accept the valuation of \$75,000 fixed by him for the land. At the second trial the jury awarded a total of \$102,000 from which a second appeal was noted. Judge Estee refused a new trial and afterwards an effort was made to secure a compromise and the sum of \$90,000 with some conditions was agreed upon. This compromise, arranged by Admiral Merry and United States Attorney Dunne, was refused by the Navy Department, and the appeal was pushed with the result as noted above. It is possible that a compromise may now be arranged between the land owners and the United States, as one of the main reasons for refusing the first one was the fact that the work would be delayed in any event as an appeal was pending in one of the Pearl Harbor cases, by the Bishop Estate. It is said that the agreement as consummated here would have been accepted but for that reason, and as the Bishop Estate appeal has been withdrawn the old compromise may be put through.

In the beer case, the proper title of which is Macfarlane & Co. et al. vs. W. H. Wright, Treasurer, the decision is of no value because the legislature has since passed a new law to take the place of the one which Judge Estee declared to be unconstitutional and void.

The wording of the cablegram is peculiar and leaves some doubt as to whether the court here was reversed or sustained. The cable reads "appeal dismissed," which would indicate that there had been a reversal. But further reading indicates that Judge Estee also was without jurisdiction. Captain Pond sent the cable and it may be that the case was dismissed instead of the appeal. It doesn't make much difference what the decision is, as it will not affect local saloonmen, since the Primo Beer saloons are already closed and can get new licenses under the law just passed by the legislature.

The report of H. P. Baldwin, President and Manager of the Hawaiian Commercial and Sugar Company of Maui, for the twelve months ending December 31, 1902, and published at San Francisco, has just been received by the Honolulu parties interested. The Manager says that on the whole, the year 1902 was favorable for growing crops, although stormy weather was had the first part of the year and floods did some damage. The grinding commenced January 29, 1902, and finished December 1, 1902. The report says: "We were somewhat short of labor throughout the year, and could not push the sugar factory to its full capacity. The first four months of the milling season, however, we did very fair work but after June 1 we went slower in order to use the tops for planting. The crop of 1902 consisted of plant cane, 1429 acres; ratoon cane, 1496 acres; total, 2925 acres. Total sugar manufactured from the above acreage 18,195,558 tons; sugar manufactured from Kihel cane, 6,864,632 tons. Average yield per acre, H. C. & S. Co. cane, 6.2 tons.

"Several of the fields, both plant and ratoons, yielded from 8 to 9 tons per acre, and one field ratoons yielded 9.18 tons per acre. We have for this crop plant cane, 2433.34 acres; ratoon cane, 2157.55 acres; total, 4590.89 acres. In my report to the stockholders last year I stated that we would get from this crop 25,000 to 27,000 tons of sugar. About two months ago made a conservative estimate of the crop as follows: Plant cane, 16,17 tons; ratoon cane, 12,623 tons; total 28,795 tons. I have reason to believe that we will get close to 30,000 tons.

"We commenced planting for the crop of 1904 the middle of June and finished the fourth of December, a little over two months earlier than last planting of the crop we are now milling, was finished. The young cane for the crop looks well all around, and bids fair to yield over 30,000 tons. We have for this crop a total of 4854.20 acres."

Manager Baldwin says the cost per ton of sugar for milling is \$0.304. The cost of manufacture in 1903 for turning out sugar, he estimates, will be less than \$3.40 per ton, including cost of bags and twine. He reports having more laborers than a year ago and these are working much better than at the former period. Including the white employees there are about 2800 on the payroll.

Four reservoirs, he says, had been constructed at the head of the ditches previous to his becoming manager, but the dams had not been built strong enough, so that last winter a section of the dams was carried away by freshets. With repairs all made the following reservoirs are available: Koloa, 15,000,000 gallons; Hoalua, 8,000,000 gallons; Reservoir No. 11, 8,000,000 gallons; reservoir No. 7, 30,000,000 gallons; reservoir No. 10, 9,600,000 gallons; a new reservoir, No. 5, in course of construction, 150,000,000 gallons. The new aqueduct, planned by engineer O'Shaughnessy, is to be completed to carry water onto the plantations by July 1, 1904, in time for next year's planting.

The installation of crude oil tanks at the pumping station has been effected. The manager finds it necessary to install six more 40-inch centrifugals than latter part of 1904; new pumps for stations 1 and 2; one mile railroad extension.

RELIGION IN GOVERNMENT OF AMERICA

Highton Speaks on Constitution of Land.

"There is nothing in the American system of government, there is nothing in the conception of that system which exists in the minds of the great mass of the American people themselves, which is not based on the idea of a personal God, and the moral law," Thus Hon. Henry E. Highton, yesterday afternoon in the assembly rooms of the Y. M. C. A. Mr. Highton was the speaker at the afternoon meeting, and the subject which had been assigned him was "Religion in the American Constitution." It was rather a large contract, considering the time limit, but Mr. Highton was at home in his subject, and spoke well and most convincingly upon it. He divided it into three great periods, the period from the discovery of America until the first English settlement in Virginia, the colonial period, and the period immediately following the war of the revolution, when the Constitution was formulated.

In beginning his address proper, Mr. Highton paid a high compliment to Hawaii, the land which he has chosen as his future home. "Never," he said, "in any land—and I have been in many lands—have I seen the same bright expression of the human eye that I find in the people of these emerald isles of the western sea. I observed this on my arrival here, and a longer residence has but confirmed that first impression. It is a brightness of hope, a brightness born of a conviction of the truth of that great eternal principle that underlies all modern civilization, the principle that the right shall triumph through the living of the people in the faith of the one and eternal God. It shows to me, that faith that is so strong in the people of this land, that the foundations of the civilization here were laid deep in the precepts of the Christian religion—broad and deep by the fathers who did that work that will endure for all time."

Speaking of the Spanish settlements in the two Americas, and in a part of the United States, Mr. Highton showed that every civil government formed on the western hemisphere by the greatest of all the colonizing powers in those days was formed for the advancement of civilization and the advancement of the worship of a personal God and the spreading of the moral law. The colonial period was a period of colonizing by people who came to America seeking liberty to worship a personal God in their own way. The world had been full of tumult, and these people left their old world primarily for the securing of religious freedom. The idea of personal liberty came after that, as it had already followed it. "It is a fact," said the speaker, "that the idea of liberty of the mind follows the idea of liberty of religion. And the government of the United States, while it is not a new thing, presents to the world the first successful formulation of an idea that is in the mind of every man in the world, of whatever race, and that is as old as the world. Every man who has ever lived, whether consciously to himself or not, has cherished the idea of individual sovereignty. The government of the United States carries out that idea, and it is strong enough to endure every test. For the government of the United States is based upon the conception of a personal God and the moral law."

Coming down to the third period, Mr. Highton spoke of the division of the people of the colonies into creeds, but said that while each held to its own religious belief the representatives had compromised these creeds for the general government, with the result that while there was a recognition of the personal God in the general system, there was a distinct statement that there never should be an established church, a church controlled by the government. The people were to direct their own religious affairs, as liberty of government was best, but the government itself was founded upon the general conception, taking in all creeds, of a personal God and the moral law. "The government is not atheistical," said Mr. Highton, "and it is not agnostic. It is a Christian government for Christian men and women."

Immigration Record Is Bad.

The Chinese are still calling for their deposits in the Chinese fund, but there is a new difficulty in the way. There are thousands of deposits on the books of the Postal Savings Bank, which in the case of Chinese are designated by number, the deposit being made by the Board of Immigration. The numbers shown on the books which correspond with those in the possession of the Chinese are not in numerical order, and it is a tedious task finding the claim of any particular depositor. Secretary Carter suggested that there is probably some key to the books, which was not found among those taken from the Immigration office.

The Kunulakea Estate.

Bruce Cartwright was appointed by Judge Gear yesterday as administrator of the estate of Albert K. Kunulakea, the last of the Kamehameha heirs. His bond was fixed at \$3,000. The estate including real property is valued at about \$12,000.

The appraisers appointed were C. F. Peterson, W. W. Graham and T. R. Mossman.

Emma K. Jarrett was appointed executrix of the estate of Wm. H. Jarrett, deceased, without bonds.

LAWMAKERS WILL GO AT BUDGET NOW

Many Say Session Will Close in Week.

When the two houses of the Legislature meet today there will be at once an attempt made to get down to active work on the appropriation bills. This may be balked, however, by the desire for committee work, for it is apparent that there will need to be meetings if the many resolutions presented during the regular session are again considered.

The Senate clerical staff has brought out every one of these resolutions for the use of the various committees, and Speaker Beckley gave the same orders to the House officials, saying too that he would reappoint the identical committees, if there were no requests for new assignments. This would mean that there must be some waits for committee action, if the same course is to be taken in this session, as was followed in the regular one.

There are a number of the Republicans, however, who believe that the work should be hurried, so that the session may be ended as quickly as possible. They will make an attempt to bring up one of the various appropriation measures, which has been thrashed out in the Senate both in the regular and special session thus far, and so give it speedy consideration. The general idea is that this course will be successful, and that the committees may get down to work during the morning and evening hours.

There is in sight as well a small sized fight over the amount of money to be asked for the completion of the session's work. The Senate has appropriated \$5,000 for its use, which means only \$2,000 for ordinary expenses, after the payment of \$3,000 to salary account. In the House there will be, if the Pula bill is passed, after the \$6,000 goes to members, \$14,000 for expenses, which will mean a big advance over the Senate's estimates of session expenses.

There are members and outsiders as well who believe that within ten days all the measures will be passed. These, however, are not in the majority but they will do all in their power to rush along work.

The county campaigns are not far distant and so the members are anxious to get home and run things in the counties.

KELI NOI WOULD BE COMMISSIONER

Opinion is greatly divided as to the effects of the failure of the resolution providing for the appointment of commissioners to the St. Louis Fair now that the appropriation measures are up. It is generally conceded that no new legislation may be attached to the budget bills, but opinion is as well divided as to the meaning of this term, when all that is to be provided is a method of paying out monies which will be appropriated.

Many names have been mentioned for appointment as commissioners to St. Louis, in the event that a commission is made available, and should this plan fail the method which will be adopted, is to have the Exposition Association of Hawaii, name and pay the persons who shall represent the Territory. That body is practically the Chamber of Commerce and Merchants' Association representatives, and has already done much work which will be available for the exposition.

So far as known there are only three names which have received any support for the places. W. G. Irwin, it is conceded, will be one of the men selected, and there is almost as universal support given to the name of F. W. Macfarlane. The third name which has been suggested is that of Representative Keli noi, who was formerly school inspector, and who it is said would like to have the place. There is being made a strong effort to have his name considered and he has already some backing among the fellow members of the lower house.

The steps which may be taken to secure representation are as yet in the air, as those most interested in the matter have not reached the point where they are settled as to their plans of procedure.

WAHIAWA FUND IS GROWING

At the meeting of the directors of the Y. W. C. A. yesterday morning a report was made that the Y. W. C. A. fund for the Wahiawa vacation home had reached \$750, and the hope was expressed that the \$250 remaining to be raised, would be forthcoming in the next two weeks, so that the work of construction can be commenced and the house be ready for occupancy early in June.

The secretary has made a call for furniture for the home, including dining room fixtures, crockery and kitchen utensils. Much household furniture is needed from the Association members, as long as it is in good order.

An exhibit of the Association class work with photographs of the rooms has recently been forwarded to the Y. W. C. A. conference which meets at Capitola, California, this month.

Nine new members were voted into the Association.